

REMARKS

Applicants respectfully request reconsideration of this application in view of the following remarks.

Claims 9, 11-14 and 16-17 are pending in this application. No amendments to the claims are presently being made.

The Office maintains (a) its objection to the specification for incorporating subject matter from WO 92/19759 and (b) the related rejection of claims 9, 11-14 and 16-17 for allegedly transgressing the written description requirement of 35 U.S.C. § 112. According to the Office, one skilled in the art would have difficulty identifying the relevant description of hPM-1 antibodies in WO 92/19759 that is being incorporated into the present application. Applicants respectfully traverse.

As Applicants previously explained, this application sufficiently identifies the relevant portions of WO 92/19759. The application specifically references WO 92/19759 for disclosure of hPM-1, or humanized PM-1, antibody. See page 10, line 35 – page 11, line 2. This is a major aspect of WO 92/19759, and humanized PM-1 antibody is described throughout that document. See, *e.g.*, col. 2, ll. 45-54; col. 3, ll. 29-41; col. 8, ln. 63 – col. 21, ln. 42; col. 22, ln. 34 – col. 23, ln. 43; Examples 7-17; claim 3 and claim 6 of U.S. Patent 5,795,965, which issued from the U.S. national stage of WO 92/19759.

Although WO 92/19759 does not recite the term “hPM-1,” it is clear from the present application’s reference to that document that WO 92/19759 describes preferred reshaped human antibodies. A person of ordinary skill in the art could easily select such a preferred antibody from the reshaped human PM-1 antibodies described in WO 92-19759. The claimed invention is supported by the discovery that inhibiting the biological activity of IL-6 will stunt synovial cell growth and treat rheumatoid arthritis. Reshaped human (humanized) antibodies exhibiting high binding activity to IL-6R are therefore preferred for use in the invention, and the higher the binding activity to IL-6R, the better. Example 11 of WO 92/19759 evaluated the binding activity for IL-6R of several reshaped human PM-1 antibodies, and showed that antibodies having the presently claimed combination of L chain (versions (a) or (b)) and H

chain (version (f)) exhibited the highest binding activity. This would have led one skilled in the art to select from WO 92/19759 a reshaped human PM-1 antibody as recited in the present claims. Accordingly, Applicants respectfully request withdrawal of the objection to the specification and the rejection of the claims.

Applicants believe that this application is in condition for allowance, and request favorable reconsideration of it. If the Examiner believes that an interview would further advance the prosecution, he is invited to contact the undersigned attorney by telephone.

The Commissioner is hereby authorized to charge any additional fees that may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extensions under 37 C.F.R. §1.136 and authorize payment of any extension fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By _____



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